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P. 1

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FACSIMILE COVER SHEET

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Deliver to: Eleni A. Shiferaw, USPTO
Facsimile No.: 703-872-9306
From: William W. Schaal, Reg. No. 39,018

Art Group: 2136
Date: July 14, 2005

Our Docket No.: 42390P1.1770 Number of pages 15; including this sheet.
Application No.: 09/896,088 Filing Date: 6/28/2001

Docket Due Date(s): _____

Enclosed are the following documents:

Enclosed are the following docu

Amendment: After Final 6-11-11

Issue Fee Transmittal

Appeal Brief (see page)

- Amendment: After Final (11 pgs)
- Appeal Brief (pgs)
- Application: (pgs) w/cover & abstract
- Assignment & Cover Sheet (pgs)
- Certificate of Faxsimile
- Continued Prosecution Application (CPA)
- Declaration & POA (pgs)
- Drawings: sheets, figures
- Extension of Time:
- Fee Transmittal (In duplicate)
- IDS & PTO/SB/08 (pgs)
- Other

- Issue Fee Transmittal
- Notice of Appeal
- Petition for: _____
- Request for Continued Examination (RCE)
- Reply Brief (____pgs)
- Request & Certification Under 35 USC 122(b)(2)(B)(i)
- Request to Rescind Previous Nonpublication Request
- Response to Notice of Missing Parts & Formalities Letter
- Response to Written Opinion (____pgs)
- Terminal Disclaimer
- Transmittal of Publication Fee Due
- Transmittal Letter

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

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Susan McFarlane 7/14/2005
Susan McFarlane Date

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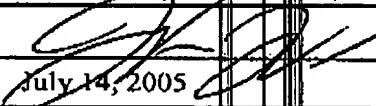
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P.2

| | | | | |
|--|--|----------------------|------------------------|-------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | | Application No. | 09/896,088 | |
| | | Filing Date | June 28, 2001 | |
| | | First Named Inventor | Carl M. Ellison | |
| | | Art Unit | 2136 | |
| | | Examiner Name | Eleni A. Shiferaw | |
| Total Number of Pages in This Submission | | 4 | Attorney Docket Number | 42390P11770 |

| | | | |
|---|---|--|--|
| ENCLOSURES <i>(check all that apply)</i> | | | |
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD. Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> <div style="border: 1px solid black; height: 40px; width: 100%;"></div> | |
| | | Remarks | |
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| | |
|---|---|
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
| Firm or Individual name | William W. Schad, Reg. No. 39,018 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP |
| Signature |  |
| Date | July 14, 2005 |

| | | | |
|--|---|------|---------------|
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| Typed or printed name | Susan McFarlane | | |
| Signature |  | Date | July 14, 2005 |

Based on PTO/SB/21 (04-04) as modified by Blakely, Sokoloff, Taylor & Zafman (M) 06/04/2004.
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FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT

(\$)

| Complete if Known | |
|----------------------|-------------------|
| Application Number | 09/896,088 |
| Filing Date | June 28, 2001 |
| First Named Inventor | Carl M. Ellison |
| Examiner Name | Eleni A. Shiferaw |
| Art Unit | 2136 |
| Attorney Docket No. | 42390P11770 |

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order None
 Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayment of fee(s) Credit any overpayments
 under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.

FEE CALCULATION

1. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| Independent Claims | 33 - 33 = 0 | 0 x 50.00 = | \$0.00 |
| 5 | 5 - 5 = 0 | 0 x 200.00 = | \$0.00 |
| Multiple Dependent | | | |

Large Entity

Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description |
|--------------|----------|----------|----------|---|
| 1202 | 50 | 2202 | 25 | Claims in excess of 20 |
| 1201 | 200 | 2201 | 100 | Independent claims in excess of 3 |
| 1203 | 380 | 2203 | 180 | Multiple Dependent claim, if not paid |
| 1204 | 300 | 2204 | 150 | **Reissue independent claims over original patent |
| 1205 | 300 | 2205 | 150 | **Reissue claims in excess of 20 and over original patent |
| SUBTOTAL (1) | | (\$) | | \$0.00 |

*or number previously paid, if greater. For Reissues, see below

2. ADDITIONAL FEES

Large Entity

Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description |
|---------------------|----------|----------|----------|--|
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or cash deposit |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cash deposit |
| 2053 | 130 | 2053 | 130 | Non-English specification |
| 1251 | 120 | 2251 | 60 | Extension for reply within first month |
| 1252 | 450 | 2252 | 225 | Extension for reply within second month |
| 1253 | 1,020 | 2253 | 510 | Extension for reply within third month |
| 1254 | 1,590 | 2254 | 795 | Extension for reply within fourth month |
| 1255 | 2,180 | 2255 | 1,080 | Extension for reply within fifth month |
| 1401 | 500 | 2401 | 250 | Notice of Appeal |
| 1402 | 500 | 2402 | 250 | Filing a brief in support of an appeal |
| 1403 | 1,000 | 2403 | 500 | Request for oral hearing |
| 1451 | | 2451 | | Petition to institute a public use proceeding |
| 1460 | 150 | 2460 | 130 | Petitions to the Commissioner |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) |
| 1808 | 180 | 1808 | 180 | Submission of Information Disclosure Stmt |
| 1809 | 790 | 1809 | 395 | Filing a submission after final rejection (37 CFR § 1.129(a)) |
| 1810 | 790 | 2810 | 396 | For each additional invention to be examined (37 CFR § 1.129(b)) |
| Other fee (specify) | | (\$) | | |
| SUBTOTAL (2) | | (\$) | | |

Fee Paid

SUBMITTED BY

Complete (if applicable)

| | | | | | |
|-------------------|---|--------------------------------------|--------|-----------|----------------|
| Name (Print/Type) | William W. School | Registration No. (Attorney/Agent) | 39,018 | Telephone | (714) 557-3800 |
| Signature |  | | | Date | 07/14/05 |

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman LLP 12/2004.
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Appl. No. 09/896,088
Amdt. Dated 07/14/2005
Reply to Office Action of 05/16/2005

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**RESPONSE UNDER 37 CFR § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 2136**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|------------------|---|-------------------|-----------------------|
| Application. No. | : | 09/896,088 | Confirmation No. 9497 |
| Applicant | : | Carl M. Ellison | |
| Filed | : | 06/28/2001 | |
| TC/A.U. | : | 2136 | |
| Examiner | : | Eleni A. Shifcraw | |
| Docket No. | : | 042390.P11770 | |
| Customer No. | : | 8791 | |

Commissioner for Patents
PO Box 1450
Alexandria VA 22313-1450

AMENDMENT UNDER 37 CFR § 1.116

Sir:

In response to the Office action of 5/16/2005, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 8 of this paper.

Docket No: 042390.P11770

Page 1 of 11

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